

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Karlan, and Knox

From: Mark Krausse, Executive Director

Subject: Legislative Report

Date: September 23, 2004

The Legislature adjourned for the 2003-2004 Session on August 27, 2004. All bills are either signed into law, awaiting action by the Governor, or have failed. The Governor has until September 30, 2004 to sign any remaining enrolled bills. The new Legislature will be sworn in on December 6, 2004.

As of the writing of this memo, the Governor has yet to take action on SB 1449 (personal loan limit), SB 1712 (SOS report on Online Disclosure Act), SB 1849 (\$25,000 online reporting threshold), and SB 1730 (June primary).

Each of the Commission's three sponsored bills – SB 604, SB 1340, and SB 1353 – was signed into law. Most bills take effect on January 1, 2005; as an urgency measure, SB 604 took effect immediately.

<i>Informational Items</i>		Chaptered Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended
AB 890	Levine	Political party committees: late contributions	5/20/04
Makes state and county political party committees state general purpose committees, thus subjecting them to pre-election disclosure requirements, and also includes aggregated contributions of \$1000 or more to a political party committee in the definition of late contributions. Commission Position: Support. Signed by Governor, Chapter 623, Statutes of 2004.			
AB 3101	ER&CA	Voluntary expenditure limits	7/15/04
Provides that a candidate may not change his or her acceptance or rejection of voluntary expenditure limits more than twice after the candidate's initial filing of a statement of intention to be a candidate. Commission Position: Support. Signed by Governor, Chapter 207, Statutes of 2004.			
SB 604	Perata	Cumulative contributions	8/9/04
Defines "cumulative contributions" to be those contributions received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or broadcast station. If the committee can show that contributions received from the two highest contributors have been used for expenditures unrelated to the candidate or ballot measure featured in the communication, the committee shall disclose the contributors making the next largest cumulative contributions. Deletes references to telegrams and adds methods for filing, including facsimile transmission and guaranteed overnight delivery. Amended by the author at the request of plaintiffs in <u>Levine v. FPPC</u> to reform the slate mail disclosure statutes at issue in that case. Commission Position: Sponsor. Signed by Governor, Chapter 478, Statutes of 2004.			

Legislative Report

September 23, 2004

<i>Informational Items</i>		Chaptered Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SB 1340 Perata Campaign disclosure; records retention 8/9/04

Requires filing officers for independent expenditure committees to maintain paper independent expenditure reports under the name of the candidate or measure supported or opposed by the expenditure. The bill would require retention of campaign records for 5 years, require audits of electronic filings, and create a 4-year statute of limitations for collection of fines. **Signed by Governor, Chapter 483, Statutes of 2004.**

SB 1353 Perata Federal-State agencies; benefit payments 8/9/04

Excludes federal employees serving on state or local agencies in the capacity of their federal employment from the definitions of “designated employee” and “public official.” Commission-sponsored measure that exempts Social Security, disability and other similar benefit payments from the definition of income, and provides that supplemental pre-election statements may be submitted by guaranteed-overnight delivery. **Signed by Governor, Chapter 484, Statutes of 2004.**

SB 1458 Johnson FTB Audits: time limitations 6/22/04

Requires the Franchise Tax Board to complete audit reports within one year of selecting the subject of the audit, and requires the Commission to file any civil complaint based on such an audit report within one year of the date the FTB forwards its report. **Signed by Governor, Chapter 591, Statutes of 2004.**

<i>Informational Items</i>		PRA Bills Awaiting Governor’s Action	
Bill No.	Author	Title	Introduced/Amended

SB 1449 Johnson Campaign loans 8/12/04

Prohibits a candidate from loaning more than \$100,000 from any source, including bank loans, to his or her elective state office campaign. **Pending approval by Governor. Commission Position: Support.**

SB 1712 Alpert Online campaign disclosure 2/20/04

Requires the Secretary of State’s office to review current filing and disclosure requirements of the Online Disclosure Act of 1997 and report to the Legislature, no later than June 1, 2005, its recommendations on revising requirements so as to promote greater reliance on electronic and online submissions. **Pending approval by Governor.**

SB 1849 Karnette Campaign and lobbyist reporting 6/22/04

Drops the threshold for electronic filing of campaign reports from \$50,000 to \$5,000 in contributions or expenditures. Requires the SOS to provide free online filing by January 1, 2006. **Pending approval by Governor. Commission Position: Oppose.**

Legislative Report

September 23, 2004

<i>Informational Items</i>		Bills No Longer Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SB 1730 Johnson Primary elections 8/19/04

Changes the statewide direct primary election from being held on the first Tuesday after the first Monday in March in each even-numbered year, to being held on the first Tuesday after the first Monday in June of each year. **Pending approval by Governor.**

<i>Final Disposition Items</i>		Dead Bills Which Proposed to Amend the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 1197 Wiggins School officials: conflicts of interest 8/11/04

Includes in the definition of "designated employee" any board member, chief business officer, superintendent at any level, chief personnel officer, and general counsel of a public school district or county office of education. Designates the county board of education as the code-reviewing body for charter schools. **Died on Senate Floor.**

AB 1784 Wolk Lobbyists: conflicts with statewide officers 8/9/04

This bill prohibits a lobbyist from contacting an elected state officer, other than a legislator, with whom the lobbyist has or had a contractual relationship, for the purpose of influencing legislative or administrative action. The bill defines contractual relationship and requires lobbyists to notify the Secretary of State within 14 days of a contractual relationship with an elected state officer. AB 1784 also requires that candidates report a contract or agreement that includes a payment contingent upon the candidate's election to office. **Died in Senate Rules.**

AB 1785 Frommer Lobbyists: conflicts with legislators 8/23/04

Expresses Legislative intent to adopt rules to address improper and inappropriate communications between lobbyists and members/staff of the Legislature for the purpose of influencing legislative action. **Died on Senate Floor.**

AB 1980 Wolk Ballot Measure Trustees: Prohibited expenditures 8/13/04

Recent amendments proposed by the conference committee impose a contribution limit of \$5,000 on state-candidate-controlled ballot measure committees, and adjust that limit according to changes in the Consumer Price Index every two years. **Died on Assembly Floor.**

AB 2818 Pacheco CPI adjustments 4/26/04

As amended, this bill requires the Commission to adjust the disclosure and disqualification threshold of section 84308 to reflect changes in the Consumer Price Index since January 1, 1983, and to adjust it in the future in every odd-numbered year. **Commission Position: Oppose. Died in the Assembly.**

AB 2842 Leno Campaign loans 4/14/04

Provides that bank loans are not exempt from the \$100,000 personal loan limit imposed on state candidates by Proposition 34. **Commission Position: Support. Died on Senate Floor.**

AB 2888 Strickland Contribution limits ("spot" bill) 2-20-04

Placeholder measure; makes nonsubstantive changes to contribution limit section. **Died in Assembly.**

Legislative Report

September 23, 2004

<i>Final Disposition</i>	<i>Items</i>	Dead PRA Bills (cont'd)	
Bill No.	Author	Title	Introduced/Amended
AB 2931	Koretz	Mandatory campaign spending limits ("spot" bill)	2/20/04
Placeholder measure that expresses the intent of the Legislature to enact legislation that would impose mandatory limits on campaign spending. Died in the Assembly.			
AB 2936	Longville	Online and electronic disclosure ("spot" bill)	2/20/04
Placeholder measure that deletes obsolete reference in the PRA. Died in Senate Elections.			
AB 2949	Hancock	Clean Money and Clean Elections Act	4/15/04
Repeals a provision prohibiting public officers from expending or accepting public funds for purposes of seeking elective office, and enacts the California Clean Money and Clean Elections Act of 2004, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. Died in Assembly Appropriations.			
AB 3006	Haynes	Campaign contributions	2/20/04
Prohibits legislators and constitutional officers from accepting contributions during the period between the submission and enactment of the state budget. Died in Assembly Elections.			
SB 641	Brulte	Campaign expenditures: telephone advocacy	7/1/03
This bill would change the definition of "mass mailing" found in the Act from "mail" to a specific definition of what items delivered to a person constitute a mass mailing. It also adds language to the act prohibiting the expenditure by a candidate, committee or slate mail organization for anonymous telephone advocacy for a candidate, ballot measure, or referendum. The author accepted an amendment requested by the Commission to maintain a record of the call's script or in the case of a prerecorded message, a taped copy. This would not apply to telephone calls made by the candidate, campaign manager, or volunteers. The author rejected a Commission sponsored amendment requiring disclosure at the beginning of the call, but took Commission language regarding retention of text or recording of content of message. Died in Assembly Elections.			
SB 1072	Burton	Political party committees: late contributions	6/9/03
Adds contributions made to or received by a political party committee after the closing date of the last pre-election campaign statement to the definition of late contribution. (Note: contents of this measure recently amended into AB 890 (Levine). Died in the Assembly. Commission Position: Support.			
SB 1351	Soto	Local officials: conflicts of interest	6/21/04
Prohibits, for a period of one year, a former elected city or county official who held a position with a local government agency from appearing before or communicating with that agency if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. The June 21 amendment proposes to redefine "immediate family" to include all children, instead of only dependent children. This would increase the Legal Division's workload conflict-of-interest analysis at least two-fold, at a cost of \$200,000-\$400,000 annually. Commission Position: Oppose. Died in Assembly Appropriations.			

Legislative Report

September 23, 2004

<i>Final Disposition Items</i>		Dead PRA Bills (cont'd)	
Bill No.	Author	Title	Introduced/Amended
SB 1653	Johnson	Conflicts of interest (“spot” bill)	2/20/04
Placeholder measure amending conflict of interest provisions. Died on Assembly Floor.			
SB 1902	Florez	Nonprofit corporations: disclosure	4/13/04
This bill would require a nonprofit corporation that has an elected official as its president or on its governing board to disclose its finances to the FPPC by April 15 each year. Died in Senate Elections.			
SCA 14	Vasconcellos	Political Reform	8/9/04
Would, among other provisions, require the Commission to license and monitor the ethics and professional activities of campaign consultants in California and would prohibit a person or a business entity from being simultaneously licensed, registered, or otherwise authorized to engage in both lobbying and campaign consultant activities. Died in Senate Constitutional Amendments.			